

REMARKS

Status of Claims:

Claims 1-8 are pending in the application. Each pending claim defines an invention that is novel and unobvious over the cited art. Favorable reconsideration of this case is respectfully requested in view of the following remarks.

Rejection Under 35 U.S.C. § 102:

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Foster (US2004/0217134, filed April 16, 2003). This rejection is respectfully traversed.

The present application claims priority (as previously indicated in the Application Data Sheet) of Italian Application No. MI2003A 000080, filed January 21, 2003, as acknowledged on the filing receipt. Because the priority date of the instant application occurs prior to the filing date of Foster, that reference does not qualify as prior art. In view thereof, the Applicant respectfully requests withdrawal of the rejection.

Claims 1 and 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mass (6,364,172). This rejection is respectfully traversed.

Initially, the Applicants profess their confusion as to this rejection. In the narrative specifying this rejection, the Office Action refers to Foster et al., but does not refer at all to Mass. However, in a good faith attempt to advance the prosecution, Applicant distinguishes the reference based on the following.

A rejection under 35 U.S.C. § 102 requires the prior art disclose each and every recitation of the claimed invention. In determining anticipation, no claim recitation may be ignored. Anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims. There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. The evidentiary record fails to teach each recitation of the present invention in view of the silence of Mass regarding the provision of a single hinged valve, disposed within the plunger chamber as recited in Claim 1.

In the present invention, a plunger 33 slides horizontally, with a tight seal, within a plunger chamber 20. (Paragraph [0050]) Chamber 20 has a rear wall provided with an input hole 34 and an output hole 35. A one-way fluid suction and delivery valve 100 is installed in the rear wall of the plunger chamber 20. (Paragraph [0058]). Valve 100 alternately occludes and vents holes 34 and 35. Mass discloses a plunger chamber 66 and a separate and distinct valve chamber 70. (See Fig 2A). Moreover Mass does not disclose input and output ports operated by a single valve.

In view of the above, withdrawal of the rejection based on Mass is respectfully requested.

Rejections Under 35 U.S.C. § 103(a):

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Miser (6,679,874). This rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art. When evaluating the scope of a claim, every recitation in the claim must be considered. The evidentiary record fails to teach each recitation of the present invention. Specifically, the references taken as a whole or severally fail to teach or suggest a single hinged valve, disposed within the plunger chamber, as recited in Claim 1.

The failings of Mass are detailed above. The Miser reference was cited as teaching a leaf spring made of an acetal material. Miser fails to supply the missing feature of the present claims. Miser does not disclose or suggest a single hinged valve, disposed within the plunger chamber as recited in Claim 1.

In view of the above, withdrawal of the rejection based on Mass in view of Miser is respectfully requested.

Conclusion:

In view of the above, reconsideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 02-2135.

Respectfully submitted,
Rothwell, Figg, Ernst, & Manbeck, P.C.

A handwritten signature in black ink, appearing to read "George R. Repper", with a stylized flourish at the end.

By: George R. Repper, Reg. No 31,414
1425 K Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: 202-783-6040

Date: September 15, 2006